

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case File No. 14-MJ-1024 (JSM)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
ABDULLAHI YUSUF,)	
)	
Defendant.)	

**MEMORANDUM IN SUPPORT
MOTION FOR REVIEW OF
MAGISTRATE JUDGE’S DENIAL
OF GOVERNMENT’S MOTION
FOR DETENTION AND FOR STAY
OF RELEASE ORDER**

The United States of America, through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Assistant United States Attorneys John Docherty and Andrew Winter, has filed a motion seeking review and reversal of the Magistrate Judge’s decision to release the defendant on conditions, and also seeking a stay of the Magistrate Judge’s release order while the District Court reviews that order and this motion. The United States will soon file a more complete memorandum. The instant document is meant only to provide an outline of the government’s argument, because, given that the Magistrate Judge declined to stay her release order pending review, the situation is exigent.

1. The Defendant is Charged with a Federal Crime of Terrorism, Namely, Conspiring to Provide Material Support to The Islamic State in Iraq and the Levant (“ISIL”).

The complaint charging the defendant is attached hereto. The Magistrate Judge found probable cause to believe that the defendant had in fact committed the crime charged in the complaint.

2. The Defendant has been Released to Live with his Parents, but the Defendant has Already Eluded his Parents Once, When he Attempted to Travel to Syria and Fight with ISIL.

The defendant has been released to the custody of his parents. The defendant was already living with his parents on May 28, 2014, when he attempted to travel to Syria to join ISIL. As the attached complaint shows, and as the testimony at the preliminary and detention hearing showed, the defendant, on May 28, 2014, was dropped off by his father at school. Rather than staying there, he waited until his father had left, then went to a nearby mosque, where he was picked up and taken to the airport by a co-conspirator. Earlier, on May 5, 2014, the defendant had been dropped off at school by his father, and rather than staying at school, he again walked to a nearby mosque, from where he caught a bus to the passport office and collected a passport which he had applied for an expedited basis.

The defendant's parents have told the Federal Bureau of Investigation that their son, the defendant, applied for and obtained a passport, deposited \$1,500 into his bank account, purchased an airline ticket to Istanbul, and went to the airport, all without their knowledge. The defendant confirmed these facts on cross-examination when he testified at the detention portion of his preliminary and detention hearing.

3. The Defendant Lied to the FBI When Questioned About his Travel Plans.

As detailed in the complaint, when questioned by the FBI at the airport, the defendant lied by saying that he had saved up to travel to Turkey; that he was meeting a Facebook friend in Turkey; and that the defendant was going to stay in Turkey.

4. The Recommendation of Pretrial Services

The bond report of United States Probation and Pretrial Services, when presented at the initial appearance, recommended detention. At the preliminary and detention hearing held the next day, that office had reversed its previous recommendation and recommended release on conditions. The only apparent difference between the two reports is that the defendant's parents had spoken to Pretrial Services and confirmed the information the defendant provided about his employment, school attendance, and other such biographical matters. However, as noted above, these are the same parents who were not aware of the defendant leaving the country without their knowledge on May 28, 2014.

CONCLUSION

The defendant in this case has already eluded his parents once and has told multiple lies to law enforcement. Review and reversal of the Magistrate Judge's order releasing the defendant to those parents is respectfully sought, and a stay of the Magistrate Judge's release order to allow this motion to be heard is also respectfully sought.

Dated: November 26, 2014

Respectfully Submitted,

ANDREW M. LUGER
United States Attorney

s/ John Docherty

BY: JOHN DOCHERTY
Assistant United States Attorney